

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1286

SPONSOR: Appropriations Committee and Senator Webster

SUBJECT: Department of Community Affairs

DATE: March 25, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	_____	ATD	Withdrawn
2.	Weaver	Coburn	AP	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Proposed Committee Substitute for Senate Bill 1286 provides statutory changes necessary to conform to the proposed committee bill for the General Appropriations Act for Fiscal Year 2004-2005. Specifically, the proposed committee substitute:

- Transfers the Office of Urban Opportunity, which administers the Front Porch Florida initiative, from the Executive Office of the Governor to the Department of Community Affairs;
- Transfers the State Energy Office from the Department of Community Affairs to the Department of Environmental Protection; and
- Transfers the Affordable Housing Catalyst Program from the Department of Community Affairs, Division of Housing and Community Development to the Florida Housing Finance Corporation.

The bill requires the Florida Housing Finance Corporation to provide resources to the Affordable Housing Study Commission and to develop and administer the Affordable Housing Catalyst Program.

This bill amends the following sections of the Florida Statutes: 20.18, 163.03, 212.08, 220.183, 288.041, 288.95155, 377.602, 377.603, 377.701, 377.703, 380.504, 381.7354, 403.42, 420.6015, 420.606, 420.609, 420.631, 420.9075, 624.5105; creates 20.255, 420.507, 420.531; and repeals 14.2015.

This bill has an effective date of July 1, 2004.

II. Present Situation:

The Office of Urban Opportunity within the Executive Office of the Governor, as authorized and governed by s. 14.2015 (9), F.S., administers the Front Porch Florida initiative. This program was established as a comprehensive, community-based urban core redevelopment program intended to empower urban core residents to craft solutions to the unique challenges of each designated community.

The State Energy Program, as authorized and governed by ss. 20.18, 288.041, 377.601-608, 377.701, and 337.703, F.S., coordinates federal energy programs, promotes energy conservation in all energy use sectors throughout the state, and coordinates energy-related programs of state government. On June 20, 2003, the state energy program was informally transferred from the Department of Community Affairs to the Department of Environmental Protection.

The Affordable Housing Catalyst Program, as authorized and governed by s. 420.606, F.S., provides through a partnership with the Florida Housing Coalition, free workshops and on-site technical assistance to housing professionals, local governments and community based organizations to help implement affordable housing programs. In addition, the Program provides training to community based organizations and local governments for purposes of building housing development capacity as a permanent resource. The Affordable Housing Catalyst Program is currently in the Florida Department of Community Affairs, Division of Housing and Community Development.

The Affordable Housing Study Commission, as authorized and governed by s. 420.609, F.S., evaluates affordable housing programs for persons with low to moderate incomes and recommends improvements to public policy to stimulate community development and revitalization, and to promote the production, preservation and maintenance of safe, decent and affordable housing for all Floridians. The Commission meets approximately five times per year, and meetings are open to the public. The Governor appoints 21 citizens representing various interests to the Affordable Housing Study Commission for four year terms. The Commission is staffed by the Florida Department of Community Affairs, Division of Housing and Community Development.

Section 20.06, F.S., establishes two “shorthand” methods of facilitating the reorganization of the executive branch. These methods of transferring departments, units of departments and programs are specifically designed not to affect the validity of any judicial or administrative proceeding pending on the day of the transfer. Furthermore, the agency which receives the powers, duties, and functions relating to the pending proceeding must be substituted as the party in interest.

1. Type One Transfer

Section 20.06(1), F.S., defines a type one transfer as the *transferring intact* of an *existing agency or department* so that the agency or department *becomes a unit* of another agency or department. Any agency or department transferred to another agency or department by a type one transfer will exercise its powers, duties, and functions as prescribed by law, subject to review and approval by, and under the direct supervision of, the head of the agency or department to which the transfer is made.

2. Type Two Transfer

Section 20.06(2), F.S., defines a type two transfer as the *merging* into another agency or department of an *existing agency or department or a program, activity, or function* thereof, or if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department, or are abolished, it is the merging into an agency or department of the existing agency or department with the certain identifiable units or subunits, programs, activities, or functions removed there from or abolished. Unless otherwise provided by law, in a type two transfer, the head of the agency or department to which an existing agency, department, activity, or function is transferred is authorized to establish units or subunits to which the agency or department is assigned, and to assign administrative authority for identifiable programs, activities, or functions to the extent authorized by Chapter 20, Florida Statutes.

III. Effect of Proposed Changes:

Section 1

Transfers, by type two transfer, the Office of Urban Opportunity, which administers the Front Porch Florida initiative, from the Executive Office of the Governor to the Department of Community Affairs.

Section 2

Transfers, by type two transfer, the state energy program from the Department of Community Affairs to the Department of Environmental Protection.

Section 3

Transfers, by type two transfer, the Affordable Housing Catalyst Program from the Department of Community Affairs, Division of Housing and Community Development to the Florida Housing Finance Corporation.

Section 4

Repeals s.14.2015(9), F.S., deleting the Office of Urban Opportunity from the Executive Office of the Governor.

Section 5

Amends s. 20.18(6), F.S., creating the Office of Urban Opportunity, which administers the Front Porch Florida initiative, within the Department of Community Affairs. Deletes the Department of Community Affairs as the responsible agency for collecting, analyzing, and coordinating energy resources and programs, and overseeing the state's energy policy.

Section 6

Creates s. 20.255(8), F.S., establishing the Department of Environmental Protection as the agency responsible for collecting, analyzing, and coordinating energy resources and programs, and overseeing the state's energy policy.

Section 7

Amends s. 163.03(3)(b), F.S., transferring rule make authority for the Federal Coastal Energy Impact Program from the Department of Community Affairs to the Department of Environmental Protection.

Section 8

Amends s. 212.08(5)(q), Florida Statutes, correcting a cross-reference.

Section 9

Amends s. 220.183(2)(d), F.S., correcting a cross-reference.

Section 10

Amends s. 288.041(3) and (5), F.S., reassigning responsibility from the Department of Community Affairs to the Department of Environmental Protection as the agency with which Enterprise Florida, Inc. coordinates regarding the solar energy industry, and providing annual reports and recommendations to the Governor and Legislature.

Section 11

Amends s. 288.95155(2), F.S., deleting obsolete language.

Section 12

Amends s. 377.602(2), F.S., changing the definition of department from the Department of Community Affairs to the Department of Environmental Protection.

Section 13

Amends section 377.603, Florida Statutes, reassigning responsibility for energy data collection from the Department of Community Affairs to the Department of Environmental Protection.

Section 14

Amends s. 377.701(1), F.S., reassigning responsibility for petroleum allocation, conservation, and planning from Department of Community Affairs to the Department of Environmental Protection.

Section 15

Amends section 377.703, Florida Statutes, reassigning responsibility for energy emergency contingency plans and federal and state conservation programs from the Department of Community Affairs to the Department of Environmental Protection. The Department of Community Affairs is added to the list of organizations promoting solar energy research, development and use.

Section 16

Amends s. 380.504(1), F.S., providing the Secretary of the Department of Community Affairs broader discretion in appointing a designee to serve on the governing body of the Florida Communities Trust.

Section 17

Amends s. 381.7354(3), F.S., correcting a cross-reference.

Section 18

Amends section 403.42, Florida Statutes, reassigning responsibility for a variety of activities associated with the Florida Clean Fuel Act from the Department of Community Affairs to the Department of Environmental Protection.

Section 19

Creates s. 420.507(42) and (43), F.S., requiring the Florida Housing Finance Corporation to provide information, assistance, and facilities needed by the Affordable Housing Study Commission and to develop and administer the Affordable Housing Catalyst Program.

Section 20

Creates section 420.531, Florida Statutes, requiring the Florida Housing Finance Corporation to establish an Affordable Housing Catalyst Program and providing program direction.

Section 21

Amends s. 420.6015(8), F.S., removing the requirement that the Department of Community Affairs use the Affordable Housing Catalyst Program and staff resources in carrying out the department's responsibilities in housing, comprehensive planning and community assistance.

Section 22

Amends s. 420.606(3), F.S., removing requirements related to organizations providing expertise and technical assistance under the Affordable Housing Catalyst Program and references to the Affordable Housing Catalyst Program being under the Department of Community Affairs.

Section 23

Amends s. 420.609(3), F.S., removing responsibility to provide information, assistance and facilities for the Affordable Housing Study Commission from the Department of Community Affairs.

Section 24

Amends s. 420.631(7), F.S., reassigning the Office of Urban Opportunity from the Office of Tourism, Trade, and Economic Development to the Department of Community Affairs.

Section 25

Amends s. 420.9075(7), F.S., correcting a cross-reference.

Section 26

Amends s. 624.5105(2)(d), F.S., correcting a cross-reference.

Section 27

Provides an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact associated with the transfer of programs included in this bill is reflected in the proposed committee bill for the General Appropriations Act for Fiscal Year 2004-2005 as follows:

<u>Department / Program</u>	<u>FTE</u>	<u>Funding</u>
Department of Community Affairs		
Office of Urban Opportunity	2.0	\$ 302,939
State Energy Office	(4.0)	\$(556,455)
Affordable Housing Catalyst Program / Affordable Housing Study Commission	(2.0)	\$(720,906)
Executive Office of the Governor		
Office of Urban Opportunity	(2.0)	\$(302,939)
Department of Environmental Protection		
State Energy Office	4.0	\$ 556,455
Florida Housing Finance Corporation		
Affordable Housing Catalyst Program / Affordable Housing Study Commission	2.0	\$ 720,906

Total	<u>0.0</u>	<u>\$ 0</u>
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VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
